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STATE FOR ISN/CB, VCI/CCA, L/NPV, IO/MPR,
SECDEF FOR OSD/GSA/CN,CP>
JOINT STAFF FOR DD PMA-A FOR WTC
COMMERCE FOR BIS (BROWN, DENYER AND CRISTOFARO)
NSC FOR LUTES
WINPAC FOR WALTER

E.O. 12958: DECL: 01/20/2020
TAGS: [IZ](#) [PARM](#) [PREL](#) [CWC](#)
SUBJECT: CWC: EXPERTS' MEETINGS ON THE IRAQI AL MUTHANNA
BUNKERS

REF: A. 09 THE HAGUE 738
[B.](#) 09 THE HAGUE 768
[C.](#) THE HAGUE 10

Classified By: Janet E. Beik for reasons 1.4 (B) and (D)

This is CWC-04-10.

[1](#)1. (SBU) SUMMARY. Visiting teams of experts from Iraq and the United States held a series of meetings with representatives of the Technical Secretariat (TS) at the Organization for the Prohibition of Chemical Weapons (OPCW) in The Hague on January 13-14, 2010, during which agreement was reached on the declarable contents and condition of the chemical weapons (CW) previously declared in Al Muthanna bunkers 13 and 41. The TS made proposals that Iraq amend its declaration to remove from its declaration: 1) bunker 41 and all of its previously declared contents and 2) the one ton containers (OTCs) in bunker 13. Iraq expressed concern about removing bunker 41 from its declaration under the Chemical Weapons Convention (CWC) because States Parties might be reluctant to assist Iraq in what would be a hazardous waste clean-up as opposed to CW destruction. The TS also suggested encapsulation, perhaps by filling with concrete, as a possible safe, legal and reasonable approach for bunker 13 CW destruction (and possibly bunker 41 hazardous waste clean-up). The Iraqi representatives agreed to present the TS proposals to the GOI in Baghdad for consideration. Assuming timely GOI agreement to the proposals, Iraq tentatively plans to present and distribute supporting papers on its amended declaration and plans for developing its general plan for CW destruction at the destruction informals April 19, 2010, immediately prior to the Executive Council (EC-60). The TS and USG offered to assist with Iraqi preparations for these presentations. END SUMMARY.

[1](#)2. (SBU) OVERVIEW. On January 11 - 14, a sequence of USG-interagency working sessions, and TS-USG bilateral, USG-Iraqi-TS trilateral, and USG-Iraqi

bilateral consultations was held in The Hague to discuss the contents and condition of Iraq's Al Muthanna bunkers 13 and 41, which Iraq declared as containing chemical weapons (CW) under the CWC. These meetings were in response to issues raised during USG-GOI bilateral discussion on the margins of the 14th Conference of the States Parties last year (Ref. A and B). The trilateral meeting objectives, as defined by the TS, were to encourage the Iraqis to reconsider their recently amended CW declaration, to consider encapsulation as a reasonable CW destruction means, and to recommend the next steps in the process leading up to Iraq presentations on their CW destruction progress to the Executive Council (EC).

13. (C) USG INTERAGENCY ASSESSMENT ON CW IN BUNKERS 13 AND 41. This position was finalized on January 11 and 12 and was based in part on information from the trilateral consultations held during CSP-14 (Ref. A) and a January 6 working session among DoD, DoS and the IC community in Washington, DC. Support for this position was provided by additional information from selected UNSCOM and UNMOVIC documents and photos recently obtained from the United Nations (see paragraph 14) and personal knowledge of former UNSCOM inspector, Tim Blades. In summary, the U.S. position concluded:

- there is no/no unexploded Coalition Forces aerial bomb in either bunker 13 or 41;
- there is no/no Category 1 CW in bunker 13;
- there are precursors (sodium cyanide, potassium cyanide, and the Schedule 2 chemical arsenic trichloride), which were declared by Iraq as Category 2 CW, in bunker 13;
- there may possibly be Category 3 CW, such as unfilled 122 mm rocket warheads, in bunker 13; and
- there is no/no declarable CW in bunker 41.

14. (SBU) In both bunkers, the Iraqi-declared OTCs and their probable residual contents (in bunker 41 - polymerized mustard, mustard reaction products and decontamination solution; and in bunker 13 - tabun reaction products and decontamination solution) were viewed by the USG team as undeclarable, as was residual equipment from the UNSCOM-supervised CW incineration operation in bunker 41. During the bilateral meeting on January 13, TS experts agreed with the U.S. position noted above, except in relation to possible Category 3 CW items in bunker 13 (See discussion below).

15. (SBU) TRILATERAL MEETINGS. Opening the trilateral meeting with the Iraqis on January 13, TS Director of Verification Horst Reeps indicated that it was the Secretariat's view that the Iraqis should reconsider declaring bunker 41 and its contents, and the OTCs in bunker 13 (i.e., removing them from its declaration). The Iraqis indicated they were uncomfortable with this proposal, particularly removing bunker 41 from the declaration, because with no CW declaration, States Parties might be reluctant to assist Iraq in what would be a hazardous waste clean-up as opposed to CW destruction. The Iraqi delegation acknowledged that meeting the CW destruction requirement was Iraq's responsibility, but stated that leaving all required destruction activity (e.g., its funding) exclusively to the GOI was "unfair."

16. (SBU) The Iraqi delegation requested and received from the U.S. delegation the UN documents supporting the TS proposals for their consideration (See paragraph 14). On January 14, further discussion resulted in common understandings on the

bunkers' contents and conditions that allowed Reeps to directly recommend that the Iraqis amend their declaration:

- to remove bunker 41 and its contents; and
- to declare 122 mm rockets as Category 1 CW in bunker 13, but with caveats about their condition, and to declare the precursors sodium cyanide, potassium cyanide and arsenic trichloride as Category 2 CW.

¶17. (SBU) Reeps said that the supporting documentation justified the proposed amendments and should satisfy States Parties. In response to the Iraqis' reiterated concerns about assistance for both bunker 13 CW destruction and bunker 41 hazardous waste clean-up, Reeps suggested that States Parties were likely to look favorably on providing assistance so long as the approaches to CW destruction and hazardous waste clean-up were reasonable. He noted encapsulation as a destruction method as an effective, safe and reasonable method for CW destruction that could be supported by the TS, and added it might be appropriate for hazardous waste clean-up as well. TS Legal Advisor Onate supported encapsulation as a novel but legally Qsupported encapsulation as a novel but legally justifiable approach to CW destruction occasioned by the condition of bunker 13 contents and the hazards involved in opening the bunker for physical inventory. Onate recommended avoiding use of the term "entombment" as being too easily interpreted as "burial", which the CWC specifically prohibits, as defined in Part IV (A) C of the CWC. Both Onate and the U.S. Delegation added that there was a long

history of States Parties assisting CW possessor States Parties and Iraq should be no exception. The Iraqis agreed to take the TS proposals back to Baghdad for GOI consideration.

¶18. (C) DEL COMMENT: While this timeframe makes sense for Iraq to amend its declaration and to present the amendments along with a detailed destruction plan to the Executive Council in April, intervening events include the necessary approval by the Iraqi government (which has not made decisions rapidly on CWC issues in the past) and the prospect of Iraqi elections in March with potentially significant changes in the actors on this issue, including the Iraqi Ambassador in The Hague (Ref. C). Additional meetings and education of new players may be required before Iraq fully commits to this path forward. We are also wary of the clear Iraqi theme in these discussions that a "guarantee" of international assistance (funding and expertise) must be included before the GOI will agree to this or any other plan. END COMMENT.

¶19. (SBU) USG - GOI BILATERAL MEETING. The final session of the January 11-14 discussions was a meeting between four of the USG representatives (Janet Beik, Tom Ferguson, Lynn Hoggins, and Tim Blades), and the three Iraqi representatives (Mohanad Talib Kareem Al-Helli, Khalid Mustafa Salih Al-Janab, and Muhannad Al-Miahi) to discuss: 1) the summary report on chemical weapons recovered and destroyed by U.S. forces (RCW) since Iraqi CWC entry into force on February 12, 2009; and 2) future actions by the GOI regarding their declaration. The Iraqi delegation's questions on the summary report repeated questions previously raised in December (Ref. A) on clarification of the locations of these recoveries and interpretation by Iraq of the information contained in the report in determining the content of their reporting (declaration) of RCW to the TS. Iraqi officials stated that some of the reported recoveries could not be from the locations stated,

either because the locations as reported were unknown, or CW were never stored in these locations. Follow on questions concerned the inclusion of some munitions in the USG reporting that appear to have been previously destroyed, based on the photos provided. USG reps explained that U.S. reporting is based on "total transparency" in providing all available information on suspect CW munitions, and that the GOI must interpret the information provided and make its own judgment regarding declarability of these items. Agreement was reached that the information in the report would be reviewed in Baghdad for a final decision on the items requiring declaration by the GOI.

¶10. (SBU) Iraqi representatives asked if a follow up meeting could be held on the RCW reporting issues and in preparation for the proposed GOI presentations at EC-60 in April on a revised declaration. The Iraqi delegation proposed a possible meeting in Amman among experts in March before the April presentations; USG reps stated they were not certain experts would be able to travel at that time. The USG representatives agreed to travel at that time. The USG representatives agreed to provide assistance to Iraq in drafting their presentation materials for EC-60 and to consider a working session to address open issues, e.g., in The Hague during the week of April 12, 2010 (the week before EC-60) or during the February EC. USG reps emphasized the need for a timely decision by the GOI on accepting the proposed declaration revision if there is to be sufficient time to prepare for their EC-60 documents and presentation,

and the requirement that the GOI's documentation fully support and justify the proposed changes in their declaration.

¶11. (U) The majority of documentation provided to the GOI by the USG was from UNMOVIC reports and photographs previously obtained from the United Nations for USG use in analysis of various aspects of the Al Muthanna complex. These documents were provided to the USG by the UN with the stipulation that their use in providing information to any third party (i.e., anyone other than the GOI) would require preauthorization. Authorization was obtained from the UN for release to the TS. This requirement will also apply to the Iraqi informals presentation to other States Parties, and Iraq obtaining UN approval for wider release of its documents and photos must be factored into the schedule.

¶12. (U) NEXT STEPS. Iraq will report to the TS and then inform the USG as soon as possible on the GOI reaction to the TS proposals to amend the Iraqi declaration, and to the proposal to use encapsulation as a means of CW destruction (and possibly hazardous waste clean-up). The TS plans to report the results of this trilateral meeting during its destruction informals presentation before EC-59 on February 22 and in the Director-General's statement before the EC on February 23. Assuming that the GOI agrees to amend the declaration, the Iraqis plan to report the amendments and the rationale for the amendments at the destruction informals prior to EC-60 on April 19. In support of its presentation, Iraq will prepare national papers in relation to its initial declaration amendments and its plans for further development of its general plan for CW destruction, perhaps including encapsulation. The TS and USG offered to assist Iraq in developing the presentation and papers. It was suggested that drafts be circulated no later than April 2 and that

a USG-GOI meeting to finalize the presentation and papers could be held the week of April 12 (the week prior to EC-60).

¶13. (U) MEETING PARTICIPANTS. For Iraq: Mohanad Talib Kareem Al-Helli, Director Chemical Activity Department, Iraqi National Monitoring Directorate, and Khalid Mustafa Salih Al-Janab, Engineer, both from Baghdad; and Muhannad Al-Miahi, First Secretary, Iraqi Embassy and Deputy Representative to the OPCW. For the TS: Santiago Onate, Legal Advisor; Horst Reeps, Director, Verification Division; Yaugen Ryzhykau, Senior CD Officer; Gabriella Coman-Enescu, Acting Head CDB; Chistopher Carew, Head, Information Evaluation CD; Nihad Alihodzic, Evaluation Officer; and Johnathan Mills, Senior CD Officer. For the USG: visiting experts Tom Ferguson, Don Clagett, Lynn Hoggins, Tim Blades, Bill Parker, Chris Linke and Frank Satterfield, and Delrep Janet Beik.

¶14. (U) UN documentation provided to the GOI:

- (1.) Photo - bunker 13 hole close up
- (2.) Polaroid photo - bunker 13 rockets seen through hole
- (3.) Photo - bunker 13 entry way
- (4.) Photo - bunker 13 hole close up
- (5.) Photo - bunker 13 aerial view of whole bunker
- (6.) Photo - aerial view bunker 13 hole
- Q(6.) Photo - aerial view bunker 13 hole
- (7.) Document - Excerpts from UNSCOM 09 CW-2, 15-22 August 1991 (3.II.7,4-8, 12.2; 60)
- (8.) Document - Excerpts from UNSCOM Compendium, Chapter III.XI
- (9.) Document - UNSCOM 17 CW-5
- (10.) Document - UNSCOM SITREP 176
- (11.) Document - UNSCOM SITREP 180
- (12.) Document - UNSCOM SITREP 178
- (13.) Document - UNSCOM SITREP 175
- (14.) Document - UNSCOM SITREP 174
- (15.) Document - UNSCOM SITREP 172
- (16.) Document - UNSCOM SITREP 169
- (17.) Document - UNSCOM SITREP 168
- (18.) Document - UNSCOM SITREP 116
- (19.) Document - Report on Initial Muthanna Inspection, UNSCOM /insp/2/1-91, 9-14 June 1991
- (20.) Document - 1994 UNSCOM Handover Protocol

¶15. (U) BEIK SENDS.

LEVIN